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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirtieth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: United Arab Emirates

1. At its 794th and 795th meetings (see CRC/C/SR.794 and 795), held on 31 May 2002, the Committee on the Rights of the Child considered the initial report of the United Arab Emirates (CRC/C/78/Add.2), and adopted* the following concluding observations.

A. Introduction

2. The Committee regrets that the report does not follow the guidelines for reporting. Information has not been provided on the general measures of implementation, and there are significant gaps in information relating to rights such as non-discrimination and protection from economic exploitation. However, the Committee appreciates the informative written replies which were submitted and the presence of a cross-sectoral delegation, which contributed to a better understanding of the process of implementation of the Convention.

B. Positive aspects

3. The Committee welcomes:

(a) The establishment of the Sharjah Supreme Council for the Family;

(b) The establishment of a committee on the Convention on the Rights of the Child;

* At the 804th meeting, held on 7 June 2002.

(c) The creation of the Children's City;

(d) The establishment of a children's parliament in Sharjah;

(e) Information on the State party's participation in regional meetings on the implementation of the Convention;

(f) The dissemination of the UNESCO Passport to Equality, concerning non-discrimination of women, to several schools in the country;

(g) The State party's significant efforts in promoting the inclusion of disabled children in society;

(h) The State party's participation in international development assistance programmes.

C. Factors and difficulties impeding the implementation of the Convention

4. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that the State party's narrow interpretations of Islamic texts, particularly in areas relating to personal status law, may impede the enjoyment of some human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservations

5. The Committee welcomes information by the delegation that the reservation to article 21 will be withdrawn. However, the Committee is concerned about the remaining reservations to the Convention entered by the State party. In particular:

(a) That the exercise of the rights in articles 7 and 17 are subject to their compatibility with domestic law; and

(b) That the broad and imprecise nature of the reservation to article 14 potentially gives rise to infringements of the freedoms of thought, conscience and religion.

6. **The Committee emphasizes that it is long established in international law that States parties to a treaty cannot invoke provisions of their domestic laws as justification for their inability to perform obligations under a treaty. The Committee recommends that the State party:**

(a) Withdraw its reservations to articles 7 and 21; and

(b) Study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's general comment No. 22 and in the long term, to withdraw it in accordance with the Vienna Declaration and Programme of Action of the World Conference on Human Rights (1993).

Legislation

7. The Committee welcomes information concerning draft laws (i.e. the Child Protection Act, the Disabled Persons' Act and the Juvenile Delinquency Act). However, it is concerned that several rights contained in the Convention (such as non-discrimination) are not adequately reflected in domestic law. It is also concerned that with respect to the enjoyment of children's rights throughout the State party, the application of different laws governing different legal jurisdictions may lead to discrimination. In particular, the Committee is concerned that:

(a) Gaps in federal and local legislation may result in irregularities and disparities in the outcomes of the judicial process;

(b) Discrepancies may occur between Shariah judges' decisions, and between Shariah court decisions and decisions of other types of courts in the State party;

(c) Personal status law remains uncodified;

(d) Shariah courts are not regulated by uniform procedural rules, including in the area of criminal matters; and

(e) In Shariah courts federal and local laws are considered as secondary sources, and Shariah judges allegedly do not follow Supreme Court interpretation of United Arab Emirates law.

8. **The Committee recommends that the State party:**

(a) Conduct a comprehensive review of its domestic laws, including customary laws, administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention;

(b) Ensure the speedy promulgation of legislation relating to child rights and its effective implementation; and

(c) Ensure that laws are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

9. The Committee is concerned that the absence of a central mechanism to coordinate the implementation of the Convention in the State party makes it difficult to achieve a comprehensive and coherent child rights policy.

10. **The Committee recommends that the State party:**

(a) Establish a central mechanism by strengthening the role of the national committee for the Convention on the Rights of the Child in intersectoral coordination and cooperation at and between national and local levels of government; and

(b) Ensure the preparation and implementation of a national plan of action for children, including the implementation of the Convention, which is comprehensive, human rights based and undertaken through an open, consultative and participatory process.

Data collection

11. The Committee welcomes information on statistics provided in the written replies, and notes the statistics available from the Ministry of Planning's web site.

12. **The Committee recommends that the State party:**

(a) Establish a system such that disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and use these data to assess progress and design policies to implement the Convention; and

(b) Seek technical assistance from, among others, UNICEF.

Monitoring structures

13. The Committee is concerned at the absence of an independent mechanism with the mandate to regularly monitor and evaluate the progress in the implementation of the Convention, and which is empowered to receive and address complaints.

14. **The Committee recommends that the State party:**

(a) Establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and at the local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and

(b) Seek technical assistance from, among others, OHCHR and UNICEF.

Resource allocation

15. The Committee notes significant investment in and increased budgetary allocations for health, education and other parts of the social sector. However, it is concerned that insufficient attention has been given to the allocation of resources for programmes and policies to promote the civil and political rights of children.

16. **The Committee recommends that the State party:**

(a) Strengthen its efforts to allocate resources for programmes and policies to promote the civil and political rights of children; and

(b) Systematically assess the impact of budgetary allocations on the implementation of child rights.

Cooperation with civil society

17. The Committee notes information on good government cooperation with national associations in the development and welfare sectors, but it is concerned that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

18. **The Committee recommends that the State party:**

(a) Consider a systematic approach to involving civil society, especially children's associations, throughout all stages in the implementation of the Convention, including with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

Training/dissemination of the Convention

19. The Committee is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

20. **The Committee recommends that the State party:**

(a) Strengthen, expand and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of Government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. General principles

Non-discrimination

21. Noting the significant achievements in the status of women, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about discrimination against girls and women, and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship).

22. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;

(b) Undertake all possible measures to reconcile the interpretation of Islamic texts with fundamental human rights;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family;

(d) Train members of the legal profession, especially the judiciary, to be gender sensitive. Religious leaders should be mobilized to support such efforts; and

(e) To continue and strengthen efforts to address these issues at the regional level, such as the Gulf Cooperation Council.

23. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly to health and education, experienced by non-national children.

24. **The Committee recommends that the State party:**

(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and

(b) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

25. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interests of the child

26. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

27. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.**

Respect for the views of the child

28. The Committee notes information on the existence of a children's parliament in Sharjah, student councils at secondary schools, as well as social service units, which deal with complaints about student behaviour. However, it is concerned that traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools. In particular, it is concerned that children are not adequately informed about how to have input into policies that affect them, nor about how their views will be taken into consideration once they have been solicited, and that sufficient attention has not been accorded to the participation of primary and secondary students in school governance, including in areas such as school regulations and management of discipline.

29. **The Committee recommends that the State party:**

(a) Continue to promote and facilitate, within the family, the school, institutions, the courts, and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Strengthen the mandate of the social service units to allow students to submit complaints about violations of their rights in the school setting;

(c) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials to support children to express their informed views and opinions and to have them taken into consideration; and

(d) Seek assistance from, among others, UNICEF.

3. Civil rights and freedoms

Nationality

30. The Committee is concerned that the nationality law does not grant citizenship status to children of a woman citizen of the Emirates married to a non-national, as it does where the father is a national of the Emirates.

31. **The Committee recommends that the State party ensure the right of a child to a nationality without discriminating on the basis of his or her parent's sex, in accordance with articles 2 and 7 of the Convention.**

Protection from torture and inhuman or degrading treatment or punishment

32. Contrary to article 37 (a) of the Convention, the Committee is seriously concerned that there is a possibility that persons under 18 may be subjected to judicial sanctions such as flogging.

33. **The Committee recommends that the State party take immediate steps to abolish the imposition of flogging and other forms of cruel, inhuman or degrading treatment and punishment to persons who have committed crimes when they were under 18.**

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

34. The Committee is concerned that there is insufficient information and awareness of the ill-treatment of children, including corporal punishment, within the family, schools and institutions.

35. **The Committee recommends that the State party:**

(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

(b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;

(e) Investigate and prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(f) Provide care, recovery and reintegration for victims;

(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment; and

(h) Seek assistance from, among others, UNICEF and WHO.

5. Health

Adolescent health

36. The Committee is concerned at insufficient information available in relation to adolescent health, such as access to reproductive health services and mental health counselling services.

37. **The Committee recommends that the State party:**

(a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services;

(b) Strengthen efforts in the area of adolescent health education within the school system; and

(c) Seek assistance from, among others, UNICEF and WHO.

6. Education

Education

38. The Committee is concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention, and in particular that:

(a) The system of public education continues to emphasize rote learning rather than analytical skills development, and is not child-centred;

(b) The choice of some preparatory, secondary and higher education programmes may be restricted for girls; and

(c) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities is not explicitly part of the curricula.

39. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:**

(a) Undertake a process of curriculum and teaching methodology reform - with the full participation of children - which stresses the importance of critical thinking and problem-solving skills development;

(b) Direct education towards the development of the child's personality, talents and mental and physical abilities to their fullest potential;

(c) Include human rights education, including children's rights, in the curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities; and

(d) Seek assistance from, among others, UNICEF and UNESCO.

7. Special measures of protection

Economic exploitation

40. Despite noting some efforts by the State party, the Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that very young children are sometimes involved; that children are trafficked, particularly from Africa and South Asia, for this purpose; that children are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations, which has previously indicated to the State party that the employment of children as camel jockeys constitutes dangerous work under article 3, paragraph 1, of ILO Convention No. 138.

41. **In accordance with article 32 of the Convention and ILO Conventions Nos. 138 and 182, which the State party has ratified, the Committee recommends that the State party:**

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention on the Rights of the Child and ILO Convention Nos. 138 and 182, taking into account ILO Recommendations Nos. 146 and 190;

(b) Undertake awareness-raising campaigns on trafficking in countries of origin and strengthen cooperation with those countries;

(c) Undertake a regional initiative (e.g. through the Gulf Cooperation Council) in this regard, including bilateral and multilateral cooperation; and

(d) Seek assistance from ILO and UNICEF.

Administration of juvenile justice

42. Noting with appreciation measures to reform the administration of juvenile justice, the Committee is nevertheless concerned that the age of criminal responsibility of 7 years is too low, and that persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures), and be subjected to the same penalties as adults.

43. **The Committee recommends that the State party:**

(a) Raise the minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;

(b) Ensure that its system of juvenile justice includes the establishment of juvenile courts and that it fully integrates the provisions of the Convention, in particular articles 37, 39 and 40, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Guidelines for Action on Children in the Criminal Justice System;

(c) Expedite the promulgation of the draft juvenile justice law, ensuring that it is applicable to all persons under 18 and that adequate resources are allocated for its effective implementation;

(d) Ensure that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;

(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;

(f) Consider alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;

(g) Train professionals in the area of rehabilitation and social recovery of children; and

(h) Seek assistance from, among others, the OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

8. Optional Protocols

44. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of documentation

45. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**